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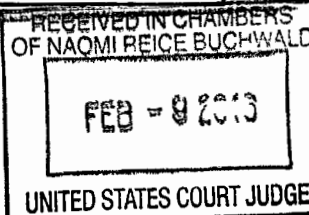
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DOC #: _____ February 9, 2016

By ECF and Facsimile ((212)) 962-0848
Honorable Naomi R. Buckwald
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

DATE FILED: 2/11/2016



FISHER & BYRIALSEN P.L.L.C.

99 Park Avenue, PH Floor
New York, New York 10016
Tel: (212) 962-0848

4600 D. Syracuse Street, 9th Fl.
Denver, Colorado 80237
Tel: (303) 256-6345

David N. Fisher
Kaitlin Nares
Admitted in NY, CO & NJ
Admitted in NY, CO, MD & DC

Re: Tommy Simmon v. City of New York et al., 15CV3489(NRM)
Fourth Status Letter

Your Honor:

I am counsel for Plaintiff Tommy Simmon. On June 4, 2015, the Parties submitted a joint request to stay this matter pending the open investigations conducted by the Bronx County District Attorney's Office, the Inspector General's Office and Investigation Division of NYPD regarding the incident underlying the Complaint. On June 8, 2015, the Court endorsed this request. Joint Status Letters were subsequently submitted to the Court on August 6, 2015 and October 5, 2015 respectively, indicating that the above agencies had not completed their investigations. On November 28, 2015, Assistant District Attorney David Baumwold of the Bronx County District Attorney's Office alerted the Parties via email of the following: "Our investigation will take us into the January, but I do not anticipate it taking us into February." On December 4, 2015 Your Honor granted a 60 day continuance of the stay.

Today, February 9, 2016, David Baumwold contacted me to indicate that his investigation is completed and that his supervisors are reviewing his file to make a final recommendation. He indicated that this final recommendation would be made in 30 days.

It is therefore respectfully requested that the case continue to be stayed for 30 days at which point both parties in this matter will make a final status update to the Court regarding the Bronx DA's final investigation results and the Parties' efforts in obtaining a copy of the file.

So Ordered.
Naomi Reice Buchwald
2/11/16
WRB

MEMO ENDORSED

Thank you for your consideration in this regard.

Respectfully submitted,

/s/

Kaitlin F. Nares Esq.
Fisher & Byrialsen PLLC
99 Park Avenue 26th Floor
New York, New York 10016
(212)962-0848 Ext 6

Cc: Jenny Weng
Senior Counsel
Special Federal Litigation Division
(by ECF)